

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

LAURA BOUSTANI, et al.,	:	
	:	
Plaintiffs,	:	Case No. 1:06-CV-02065
	:	
v.	:	
	:	
FRANK LAROSE,	:	
	:	
Defendants.	:	

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**AFFIDAVIT OF CHRIS BURNETT**

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I, Chris Burnett, hereby state that I am over the age of eighteen years and am competent to testify to the following on the basis of personal, firsthand knowledge:

1. I am over eighteen years of age and competent to testify on the matters contained in this Affidavit. The facts set forth in this Affidavit are based on my personal knowledge.
2. I currently serve as the Deputy Assistant Secretary of State and State Elections Director in the Elections Division of the Office of Ohio Secretary of State Frank LaRose. I was appointed to this position in June 2023. Prior to being appointed, I served as the Director of the Gallia County Board of Elections from June 2017.
3. As part of my duties as Deputy Assistant Secretary of State and State Elections Director, I am responsible for developing and implementing policies, procedures, and guidelines for the administration of federal, state, and local elections to assist Ohio's 88 county boards of elections in the fulfillment of their statutory duties.
4. In my role as Deputy Assistant Secretary of State and State Elections Director, I work closely with Ohio's 88 county boards of elections. In that capacity, I advise boards on the issuance and implementation of directives issued by the Secretary of State. These directives govern the conduct of elections, answer general questions, and help the boards ensure that elections run smoothly, accurately, and in accordance with Ohio law.
5. Through my position, I am familiar with the election laws of the State of Ohio, citizenship requirements, and voter photo identification requirements.

6. Since this Court's 2006 injunction, there have been several important, material changes to Ohio's election laws on citizenship and voter identification requirements.
7. On November 8, 2022, Ohio voters overwhelmingly approved Article 5, Section 1 of the Ohio Constitution, which permits only citizens of the United States to vote in Ohio's elections.
8. On April 7, 2023, House Bill 458 (HB 458) went into effect, which included changes to the required identification to vote.
9. Among other changes, HB 458 requires all voters to provide photo identification when voting in person. Specifically, when an individual appears in person to vote, whether on Election Day or by in-person absentee voting, the individual must present a valid form of photo identification to elections officials. Ohio Rev. Code §§ 3505.18(A)(1); 3509.051.
10. Permissible types of photo identification for voting in-person are Ohio driver's licenses, state identification cards, interim identification forms issued by the registrar of motor vehicles or a deputy registrar, U.S. passports or passport cards, U.S. military identification cards, Ohio National Guard identification cards, or U.S. Department of Veterans Affairs identification cards. Ohio Rev. Code § 3501.01(AA)(1).
11. If an individual cannot provide a valid form of photo identification, then the individual may cast a provisional ballot. Ohio Rev. Code § 3505.18(A)(2).
12. For the provisional ballot to count, a voter who failed to present photo identification at the polling place must appear at the board of elections and provide a valid form of photo identification within four days after Election Day. Ohio Rev. Code § 3505.181(B)(7)(b).
13. As of April 7, 2023, the Ohio Bureau of Motor Vehicles ("BMV") permits anyone aged 17 or older to receive a free state identification card, which is a permissible form of photo identification under HB 458. Ohio Rev. Code §§ 4507.233(A); 4507.50(A)(1).
14. HB 458 requires any driver's license or state identification card issued to a non-U.S. citizen to include a notation designating that the person is a non-citizen. Ohio Rev. Code §§ 4506.11(A)(13); 4507.13(A)(2)(j); 4507.52(A)(2).
15. Individuals with a non-citizen identification card who subsequently become citizens may receive a free updated identification card without the non-citizen designation from the BMV.
16. In 2023, a group of plaintiffs challenged the constitutionality of various provisions of House Bill 458, including the photo identification requirement, under the First and Fourteenth Amendment. However, the district court found that the challenged provisions withstood constitutional scrutiny and were upheld. *Ne. Ohio Coal. for the Homeless v. Larose*, No. 1:23 CV 00026, 2024 U.S. Dist. LEXIS 3262 (N.D. Ohio Jan. 8, 2024) (Nugent, J) ("*NEOCH*").
17. The November 5, 2024, General Election is the first presidential election since the new citizenship and photo identification requirements were implemented.




18. Based on all the changes to Ohio's voting requirements brought on by the amendment to the Ohio Constitution and HB 458, as upheld in *NEOCH*, the Secretary's Office took steps to get ready for the November 5, 2024, General Election.
19. In August 2024, the Secretary of State's Office began issuing letters to individuals who the Secretary's Office had reason to believe were citizens but who may still possess an identification card indicating that the individual was a non-citizen. In these letters, the Secretary's Office encouraged those individuals to update their information with the BMV so they could receive a new identification card prior to the General Election. A true and accurate copy of an example of such a letter is attached hereto as Exhibit A-1.
20. Individuals who have obtained their citizenship but present photo identification with a non-citizen designation at the polls are still allowed to vote.
21. Specifically, an individual who presents a photo identification with a non-citizen designation will be allowed to cast a regular ballot if they can provide additional proof of citizenship.
22. An individual can prove citizenship by providing a variety of documents, including a U.S. Passport, Certificate of Citizenship, Certificate of Naturalization, or other documentation that demonstrates citizenship.
23. Individuals who present a photo identification with a non-citizen designation and do not provide acceptable proof of citizenship are able to cast a provisional ballot. Ohio Rev. Code § 3505.181(A)(2). Ohio law gives those individuals four days after Election Day to provide proof of citizenship to their local board of elections so their ballot can be counted. Ohio Rev. Code § 3505.181(B)(8).
24. Ohio law provides that an election official can challenge the qualifications of an individual who is voting in person. Ohio Rev. Code § 3505.20.
25. The Secretary's Office created Form 10-U for an election official to use if he or she challenges the qualifications of an individual who is voting in person. Form 10-U serves as a fact-based tool for election officials to verify a voter's qualifications. A true and accurate copy of Form 10-U, as in effect prior to October 2, 2024, is attached hereto as Exhibit A-2.
26. The Secretary's Office updated Form 10-U on October 2, 2024, before early voting began on October 8, 2024. Form 10-U was updated to provide guidance to the county boards of elections on how to enforce Ohio's relatively new citizenship and photo identification voting requirements. The Secretary's Office e-mailed the county boards of elections a copy of the updated Form 10-U, along with other guidance and instructions. A true and accurate copy of the e-mail, including its attachments, is attached hereto as Exhibit A-3.
27. Poll workers have been trained on HB 458's changes to the photo identification requirements, the non-citizen designation on photo identification, and how to assist those individuals who present a non-citizen identification.
28. Despite the training, the Secretary of State's Office received questions from county boards of elections about the non-citizen designation on driver's licenses and state identification cards. Among those were questions about what to do when a voter presents a non-citizen

identification, and the process to cure a provisional ballot if the voter has become a citizen but has not received an updated identification card from the BMV.

29. On October 18, 2024, the Secretary's Office provided additional guidance and instructions on the photo identification review process, and how election officials can confirm an individual's citizenship status. A true and accurate copy of this e-mail, including attachments, is attached hereto as Exhibit A-4.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Chris Burnett  
Deputy Assistant Secretary of State  
Office of the Ohio Secretary of State

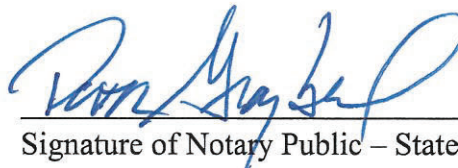
Executed on 10/25/24.

**JURAT CERTIFICATE**

State of Ohio, County of FRANKLIN

Sworn to or affirmed and subscribed before me by CHRIS BURNETT (name of person making oath/affirmation) on this date of 10.25.24 (date).

(Notary Seal)

  
Signature of Notary Public – State of Ohio

My commission expires: 2.7.26  
(date)



PETER GRAYBEAL  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 2.7.26

# Exhibit A-1



August 14, 2024

Name

Address

Address

Our office is responsible for the registration of voters and the administration of elections in the state of Ohio. The integrity of our elections is always a top priority, and we have a duty under the law to maintain the accuracy of the statewide voter registration database.<sup>1</sup> To keep our voter rolls honest, Ohio's 88 county boards of elections are required by law "to make a reasonable effort to remove individuals who are not eligible to vote from the database."<sup>2</sup> Our office assists in this effort by conducting regular reviews of voter identification records, including citizenship status.

I'm pleased to report that we have confirmed your United States citizenship, and we want to congratulate you on being an active participant in our democracy! As you make plans to cast a ballot in the upcoming election, please make sure that your records are up to date.

Ohio law requires the use of a current driver's license or state issue photo ID for the purpose of voter identification. However, based on a review of information provided to us by the Ohio Bureau of Motor Vehicles, you might be using a driver's license or photo ID that features a non-citizen identification label. You must avoid using any form of non-citizen identification to cast a ballot, as you could be required to vote provisionally and appear in person at your county board of elections within four days following Election Day to provide proof of citizenship. If necessary, you can obtain a free Ohio ID from the Ohio Bureau of Motor Vehicles. To learn more about Ohio's voter identification requirements, please visit: <http://www.voteohio.gov/ID>.

Congratulations again on your citizenship, and we appreciate your participation in our democratic process. If you have any questions or concerns, please contact the Ohio Secretary of State's office at [SWVRD@OhioSoS.gov](mailto:SWVRD@OhioSoS.gov).

Yours in service,

A handwritten signature in blue ink that reads "Kimberly Burns".

Kimberly Burns  
Assistant Secretary of State

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<sup>1</sup> R.C. 3503.151 (A)

<sup>2</sup> R.C. 3503.151 (D)(2)



# Exhibit A-2

# Affidavit-Oath-Examination of Person Challenged

R.C. 3505.20

The State of Ohio, \_\_\_\_\_ County, ss.

I, \_\_\_\_\_ the undersigned, swear or affirm under penalty of election falsification that I will fully and truly answer all of the following questions put to me, concerning my qualifications as an elector at this election.

## Being challenged as unqualified on the grounds that:

(A) ☐ The person is not a citizen, the following question shall be asked:

Are you a citizen of the United States? Ans. \_\_\_\_\_

**(If the person offering to vote answers the question in the affirmative the person shall be entitled to vote a regular ballot.)**

(B) ☐ The person is not a resident of the state for thirty days immediately preceding election, the following questions shall be asked:

(1) Have you resided in this state for thirty days immediately preceding this election?

Ans. \_\_\_\_\_ If yes:

(a) Where have you resided? Ans. \_\_\_\_\_

(2) Did you properly register to vote? Ans. \_\_\_\_\_

(3) Can you provide some form of identification containing your current mailing address in this precinct?

Ans. \_\_\_\_\_ Please provide that identification.

(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?

Ans. \_\_\_\_\_

(5) Have you applied for an absent voter's ballot in any state for this election? Ans. \_\_\_\_\_

(If, from the above responses, the precinct election officials are unable to determine the person's eligibility, the precinct election officials shall provide and the person may vote a provisional ballot.)

(C) ☐ The person is not a resident of the precinct where the person offers to vote, the following questions shall be asked:

(1) Do you reside in this precinct? Ans. \_\_\_\_\_

(2) When did you move into this precinct? Ans. \_\_\_\_\_

(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?

Ans. \_\_\_\_\_

(4) What is your current mailing address? Ans. \_\_\_\_\_

(5) Do you have some official identification containing your current address in this precinct?

Ans. \_\_\_\_\_ Please provide that identification.

(6) Have you voted or attempted to vote at any other location in this or in any other state at this election?

Ans. \_\_\_\_\_

(7) Have you applied for any absent voter's ballot in any state for this election?

Ans. \_\_\_\_\_

(If the person is not at the appropriate polling place, the precinct election officials shall direct the person to the correct polling place. If the person refuses to go to the appropriate polling place or the precinct election officials are unable to determine the person's eligibility to cast a ballot, the precinct election officials shall provide and the person may vote a provisional ballot.)

(D) ☐ **The person is not of legal voting age, the following questions shall be asked:**

(1) Are you eighteen years of age or more? Ans. \_\_\_\_\_

(2) What is your date of birth? Ans. \_\_\_\_\_

(3) Do you have some official identification verifying your age? Ans. \_\_\_\_\_

Please provide that identification.

(If the precinct election officials are unable to determine the person's age and eligibility to cast a ballot, the judges shall provide and the person may vote a provisional ballot.)

**Other Questions and Answers Necessary to Determine Person's Qualifications to Vote in this Election (if necessary)**

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Signature \_\_\_\_\_

Challenged person's signature

Sworn to before me and signed in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .  
(Day) (Month) (Year)

\_\_\_\_\_  
Signature of Voting Location Manager

\_\_\_\_\_  
Name of Precinct

\_\_\_\_\_  
Township or Ward and City or Village

If a person refuses to fully answer the questions, is unable to answer the questions, refuses to sign or make the person's mark or if the majority of precinct election officials believe that the person is not entitled to vote, the precinct election officials shall provide and the person may vote a provisional ballot.

# Exhibit A-3

**From:** [Burnett, Chris](#)  
**Subject:** Update to Form 10-U to Clarify the Challenge Process at Polling Locations  
**Date:** Wednesday, October 2, 2024 4:39:32 PM  
**Attachments:** [image001.png](#)  
[10-u.pdf](#)  
[Example of Certificate of Naturalization.pdf](#)

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Board Members, Directors, and Deputy Directors,

We're currently administering the first presidential election since the Ohio General Assembly enacted new photo ID requirements under House Bill 458 and Ohio voters amended the state constitution to include a citizenship voting requirement. We all continue to receive questions on the process for challenging a voter's eligibility both before and on Election Day, and we're providing the attached update to [Form 10-U](#) to clarify the challenge process at polling locations.

Please note that it's possible a noncitizen has become a naturalized citizen and still possesses an Ohio driver license/identification card that includes a noncitizen identifier. To avoid any complications with the voting process, any naturalized citizen should update their government-issued ID cards immediately, especially if they plan to use them to comply with Ohio's new photo ID requirement. These individuals are eligible to receive a free driver license/identification card updating the "NONCITIZEN" notation. If a naturalized citizen is unable to obtain an updated Ohio driver license/identification card prior to Election Day, they must provide other acceptable forms of photo identification to be able to cast a regular ballot. The purpose of the updated form (attached) is to provide your staff and poll workers with clear guidance on challenging a voter based on citizenship status, as well as the documentation needed to either allow them to vote a regular ballot or require them to vote a provisional ballot.

We hope the updated form and the attached example certificate of naturalization is helpful to you and your staff as they navigate these anticipated issues on Election Day.

Thank you for all you do,



**Chris Burnett | Director of Elections**  
Office of the Ohio Secretary of State  
O: 614.466.7709  
[OhioSoS.gov](https://OhioSoS.gov)

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.



## Affidavit-Oath-Examination of Person Challenged

R.C. 3505.20

The State of Ohio, \_\_\_\_\_ County, ss.

I, \_\_\_\_\_ the undersigned, swear or affirm under penalty of election falsification that I will fully and truly answer all of the following questions put to me, concerning my qualifications as an elector at this election.

### Being challenged as unqualified on the grounds that:

(A) ☐ The person is not a citizen, the following question shall be asked:

- (1) Are you a citizen of the United States? Ans. \_\_\_\_\_
- (2) Are you a native or naturalized citizen? Ans. \_\_\_\_\_
- (3) Where were you born? Ans. \_\_\_\_\_
- (4) What official documentation do you possess to prove your citizenship? Ans. \_\_\_\_\_

Please provide that identification.

(The precinct election official must inspect documentation, including any certificate of naturalization and photo identification the voter provides.)

(The person must declare under oath that the person is the identical person named in the certificate. If the person states under oath that, by reason of the naturalization of the person's parents or one of them, the person has become a citizen of the United States, and when or where the person's parents were naturalized, the certificate of naturalization need not be produced.)

**(If the person declares under oath and provides the required documentation and photo identification proving their citizenship, they may vote a regular ballot. If they do not provide the required documentation and photo identification proving their citizenship, they must be provided a provisional ballot.)**

(B) ☐ The person is not a resident of the state for thirty days immediately preceding election, the following questions shall be asked:

- (1) Have you resided in this state for thirty days immediately preceding this election? Ans. \_\_\_\_\_  
If yes:  
(a) Where have you resided? Ans. \_\_\_\_\_
- (2) Did you properly register to vote? Ans. \_\_\_\_\_
- (3) Can you provide some form of identification containing your current mailing address in this precinct? Ans. \_\_\_\_\_ Please provide that identification.
- (4) Have you voted or attempted to vote at any other location in this or in any other state at this election? Ans. \_\_\_\_\_
- (5) Have you applied for an absent voter's ballot in any state for this election? Ans. \_\_\_\_\_  
(If, from the above responses, the precinct election officials are unable to determine the person's eligibility, the precinct election officials shall provide and the person may vote a provisional ballot.)

(C) ☐ The person is not a resident of the precinct where the person offers to vote, the following questions shall be asked:

- (1) Do you reside in this precinct? Ans. \_\_\_\_\_
- (2) When did you move into this precinct? Ans. \_\_\_\_\_
- (3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home? Ans. \_\_\_\_\_
- (4) What is your current mailing address? Ans. \_\_\_\_\_

(5) Do you have some official identification containing your current address in this precinct?

Ans. \_\_\_\_\_

Please provide that identification.

(6) Have you voted or attempted to vote at any other location in this or in any other state at this election? Ans. \_\_\_\_\_

(7) Have you applied for any absent voter's ballot in any state for this election? Ans. \_\_\_\_\_

(If the person is not at the appropriate polling place, the precinct election officials shall direct the person to the correct polling place. If the person refuses to go to the appropriate polling place or the precinct election officials are unable to determine the person's eligibility to cast a ballot, the precinct election officials shall provide and the person may vote a provisional ballot.)

(D) ☐ **The person is not of legal voting age, the following questions shall be asked:**

(1) Are you eighteen years of age or more? Ans. \_\_\_\_\_

(2) What is your date of birth? Ans. \_\_\_\_\_

(3) Do you have some official identification verifying your age? Ans. \_\_\_\_\_

Please provide that identification.

(If the precinct election officials are unable to determine the person's age and eligibility to cast a ballot, the judges shall provide and the person may vote a provisional ballot.)

**Other Questions and Answers Necessary to Determine Person's Qualifications to Vote in this Election (if necessary)**

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Signature \_\_\_\_\_

Challenged person's signature

Sworn to before me and signed in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .  
(Day) (Month) (Year)

\_\_\_\_\_  
Signature of Voting Location Manager

\_\_\_\_\_  
Name of Precinct or Voting Location

\_\_\_\_\_  
Township or Ward and City or Village

If a person refuses to fully answer the questions, is unable to answer the questions, refuses to sign or make the person's mark or if the majority of precinct election officials believe that the person is not entitled to vote, the precinct election officials shall provide, and the person may vote a provisional ballot.

THE UNITED STATES OF AMERICA

No. 00000000

CERTIFICATE OF NATURALIZATION

U.S. Registration No. A123 456 789

Personal description of holder  
as of date of naturalization:

Date of birth: APRIL 05, 1955

Sex: MALE

Height: 6 feet 01 inches

Marital status: SINGLE

Country of former nationality:  
AUSTRALIA

I certify that the description given is true, and that the photograph affixed  
hereto is a likeness of me.

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Secretary of  
Homeland Security

at: BALTIMORE, MARYLAND

The Secretary having found that:

JOHN DOE

residing at:

CHELTENHAM, MARYLAND

having complied in all respects with all of the applicable provisions of the  
naturalization laws of the United States, being entitled to be admitted as  
a citizen of the United States, and having taken the oath of allegiance at a  
ceremony conducted by

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

at: BLOOMINGTON, MINNESOTA

on: MAY 25, 2018

such person is admitted as a citizen of the United States of America.

2.F.N.C

U. S. Citizenship and Immigration Services



John Doe

ALTERATION OR MISUSE OF THIS DOCUMENT IS  
A FEDERAL OFFENSE AND PUNISHABLE BY LAW

DEPARTMENT OF HOMELAND SECURITY

# Exhibit A-4



**From:** [Katz, Brian](#)  
**Subject:** PEO Training for "NONCITIZEN" and "NON-RENEWABLE/NON-TRANSFERABLE" Notation on BMV Credentials  
**Date:** Friday, October 18, 2024 6:40:54 PM  
**Attachments:** [image001.png](#)  
[Photo Identification Review Process - Oct 2024.pdf](#)

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Board Members, Directors, and Deputy Directors,

We recognize the need to provide ongoing guidance and clarification as boards work to enforce Ohio's relatively new citizenship voting requirement. Here are two items for your awareness:

1. A lawsuit filed against the Montgomery County Board of Elections recently challenged the board's Precinct Election Official (PEO) training process, specifically as it relates to the identification of a noncitizen who attempts to cast a ballot, and the Ohio Supreme Court ordered the board to provide updated training materials to some PEOs. **Our office is advising all counties to work with your PEO trainers to ensure that all trainings have covered the noncitizen identification (ID) review process.** If you determine your training might not have included or adequately covered the process for reviewing a noncitizen notation on the back of a BMV-issued identification card, please email all prior attendees with the attached Noncitizen Identification Review Process document to ensure this required step of the PEO training process is addressed. You are encouraged to email this information to all PEOs, even if it was covered in your original training sessions.
2. Our office has received questions about the type(s) of identification required to obtain a regular ballot if a person presents a noncitizen photo identification. PEOs should be reminded as part of the training protocol that **all voters must be a United States citizen eligible to vote in Ohio and provide a valid form of photo identification.** Here are the steps that a PEO must follow:
  - o If a registered voter appears in the poll book, ask them to present a valid form of photo identification (ID).
  - o If a driver's license or state ID is presented, confirm the voter's name and photograph and that the license or ID is not expired.
  - o If the license or ID contains a "NON-RENEWABLE/NON-TRANSFERABLE" identifier (on the front), the identification is not valid.
  - o If the license or ID contains a "NONCITIZEN" identifier (on the back), the identification requires additional proof of citizenship.
  - o If the ID contains a "NONCITIZEN" identifier (even if otherwise valid and unexpired), use [Form 10-U](#) to verify the voter's citizenship qualifications.
  - o If upon completion of Form 10-U, the person has provided a valid photo ID *and* acceptable proof of citizenship, they may vote a regular ballot.
  - o If upon completion of Form 10-U, the person has not provided a valid photo ID *and* acceptable proof of citizenship, they must vote a provisional ballot.



The most common documents accepted as Proof of Citizenship include:

- o U.S. Passport
- o [Certificate of Citizenship](#)
- o [Certificate of Naturalization](#)

For a complete list of acceptable and unacceptable forms of voter identification which include photos (when available), please reference the Poll Worker Manual beginning on page 27.

Thank you all for your work successfully completing the opening weeks of voting. Please let me know if you have any questions about any of the above.



**Brian Katz | Public Integrity Division Director**  
Office of the Ohio Secretary of State

O: 614.728.6855  
[OhioSoS.gov](http://OhioSoS.gov)

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# PUBLIC INTEGRITY DIVISION

## *Honest. Secure. Accountable.*

### PHOTO IDENTIFICATION REVIEW PROCESS

- If a registered voter appears in the poll book, ask them to present a valid form of photo identification (ID).
- If a driver's license or state ID is presented, confirm the voter's name and photograph and that the license or ID is not expired.
- If the license or ID contains a "NON-RENEWABLE/NON-TRANSFERABLE" identifier (on the front), the identification is not valid.
- If the license or ID contains a "NONCITIZEN" identifier (on the back), the identification requires additional proof of citizenship.
- If the ID contains a "NONCITIZEN" identifier (even if otherwise valid and unexpired), use Form 10-U to verify the voter's citizenship qualifications.
- If upon completion of Form 10-U, the person has provided a valid photo ID and acceptable proof of citizenship, they may vote a regular ballot.
- If upon completion of Form 10-U, the person has not provided a valid photo ID and acceptable proof of citizenship, they must vote a provisional ballot.
- For a complete list of acceptable and unacceptable forms of identification that include photos (when available), please reference the Poll Worker Manual beginning on page 27.

### Driver's License / Identification Card Samples:



(10/2024)



printed in-house